

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

ERIC TURNER,	§	
	§	
Petitioner,	§	
	§	
v.	§	CIVIL ACTION NO. 5:22-CV-154-RWS-JBB
	§	
DIRECTOR, TDCJ-CID,	§	
	§	
Respondent.	§	

ORDER

Before the Court is Petitioner Eric Turner’s petition for writ of habeas corpus challenging the legality of his conviction. Docket No. 1. The case was referred to United States Magistrate Judge Boone Baxter in accordance with 28 U.S.C. § 636. On January 23, 2025, the Magistrate Judge issued a report recommending dismissal of the petition with prejudice as barred by limitations and for failure to set out a cognizable claim for habeas corpus relief. Docket No. 7 at 12. It was further recommended that a certificate of appealability be denied *sua sponte. Id.*

A copy of this report was sent to Petitioner at his last known address, but no objections have been received to date. The Fifth Circuit has explained that where a letter is properly placed in the United States mail, a presumption exists that the letter reached its destination in the usual time and was actually received by the person to whom it was addressed. *Faciane v. Sun Life Assurance Company of Canada*, 931 F.3d 412, 420–21 & n.9 (5th Cir. 2019).

Because no objections have been received, Petitioner is barred from *de novo* review by the District Judge of the Magistrate Judge’s proposed findings, conclusions and recommendations. Moreover, except upon grounds of plain error an aggrieved party is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District


Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203-RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this case and the Report and Recommendation of the Magistrate Judge. Upon such review, the Court has determined the Report and Recommendation of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (where no objections to a magistrate judge's report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

ORDERED that the Report and Recommendation of the Magistrate Judge (Docket No. 7) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-captioned petition for writ of habeas corpus is **DISMISSED WITH PREJUDICE** as barred by limitations and for failure to set out a cognizable claim for habeas corpus relief. A certificate of appealability is denied *sua sponte*.

So ORDERED and SIGNED this 26th day of March, 2025.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE